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Attorneys for Plaintiff and the Alleged Classes

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ABANTE ROOTER AND PLUMBING,
INC., individually and on behalf of all others
similarly situated,

Plaintiff,

v.

TOTAL MERCHANT SERVICES, LLC, a
Delaware limited liability company,

Defendant.

Case No. 3:19-cv-05711-EMC

**UNOPPOSED MOTION FOR
EXTENSION OF THE DEADLINE TO
COMPLETE ADR PROCESS**

Date: TBD

Time: TBD

Judge: Hon. Edward M. Chen

Courtroom: 5

Complaint Filed: September 11, 2019

Pursuant to Local Civil Rule 6-3, Plaintiff Abante Rooter and Plumbing, Inc. ("Plaintiff" or "Abante") respectfully requests that the Court issue an Order extending the deadline to complete ADR process. In support of the instant motion, Plaintiff states as follows:

1. Plaintiff's counsel conferred with counsel for Defendant Total Merchant Services, LLC ("Defendant" or "TMS") regarding this extension. Defendant does not oppose this motion. (See Declaration of Taylor T. Smith ("Smith Decl."), a true and accurate copy of which is attached hereto as Exhibit A.)

2. On September 11, 2019, Plaintiff filed the instant action against Defendant

alleging wide-scale violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (“TCPA” or “Act”). (Dkt. 1.)

3. On January 14, 2020, this Court issued its Initial Scheduling Order, which required the Parties to complete an ADR process by July 30, 2020. (Dkt. 37.)

4. On June 26, 2020, following the July 25th case management conference, the Court extended the ADR deadline until August 31, 2020. (Dkt. 50.)

5. Eventually, following the exchange of numerous proposed mediators, the Parties agreed to attend a full-day mediation session with the Hon. Edward A. Infante of JAMS. (Smith Decl. ¶¶ 3-4.)

6. After receiving Judge Infante’s availability, the Parties agreed to attend the mediation on September 22, 2020, which was the earliest available date that worked for all Parties. (Smith Decl. ¶ 5.)

7. As such, Plaintiff respectfully requests that the Court extend the deadline to complete the ADR process until September 22, 2020 to accommodate the Parties’ scheduled mediation session.

8. Finally, this request is not sought for any improper purpose and good cause exists to grant the same.

WHEREFORE, Plaintiff respectfully requests that the Court issue an Order extending the deadline for the Parties to complete the ADR process until September 22, 2020.

Respectfully submitted,

Dated: August 28, 2020

ABANTE ROOTER AND PLUMBING, INC.,
individually and on behalf of all others similarly
situated,

By: /s/Taylor T. Smith
One of Plaintiff’s Attorneys

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above titled document was served upon counsel of record by filing such papers via Court's ECF system on August 28, 2020.

/s/ Taylor T. Smith